

Statement III of John Chu 04CR10156-WGY

I will try to simplify this case as clear as 1, 2 and 3, one charge of Conspiracy with two deal of Hi-tech items among three "Control Meetings with agent 'Steve Wang' and Mr. Zhu."

According to the document of 1. Complaint 2. Indictment 3. Investigation and the first meeting transcribe, we can get into the topic of subject. First of all, the arrest order for John Chu and Mr. Zhu in the first page of Complaint is about "conspiracy to violate the Arms Export Control Act 22 and 18 U.S.C." At the Airport LAX, the US Marshall first question was? "Where is your international flight ticket" it said "We don't have any such ticket or reservation" So, that means the order of arrestment was faults and there was no way to prove that we were even leaving this country with this product called "Power Converter"

Secondly, I was indicted by the Grand Jury. This indicted is very tricky because it focused on the second order which is TWT. in the period of second and last meetings. The agent intended to not mention about the power converter in the first meet. Because the agent felt guilty lying on the document of Complaint for the first meeting. However, after nearly one year investigation, the agent still can not find John Chu related to the second order which is TWT. Thus, a new report comes out that focuses back to the first meeting about the placing order of power converter. Ladies and Gentlemen let's move to the third document of investigation

Let me point out a very important issue about the comparison between the document of Complaint and investigation. Please look at page 23 on ^{the} Complaint and at page 4 on ^{the} investigation report which are identical. There are 25 sentences to summarize about the first meeting. I'm going to divide it into two parts. Sentence 1 to 11, talk about placing order of power converter. The main point of the meaning on the two documents is During the meeting, Chu, after discussion with Zhu in Chinese, acknowledged that the Vicor power converter were controlled for export by DOS and further acknowledged that the DOS would deny any export license application for such items for end use in China (P23 complaint + p4 investigation.)

that is not true at all. The true meaning is after agent "Mr. Wang" intensively push Mr. Zhu to buy Night Vision ITT which was refuse by Mr. Zhu. And Mr. Wang start to get up set "We spent a lot of time ... We put a lot of our resources to try to get him (Zhu) a very good price and there is a lot of risk involved" (P5 Transcript).

Furthermore, Mr. Wang tried to confuse about the power converter was never granted to China and forced Mr. Zhu not to fill out the application. Let's look at ^{the} page 14 on the complaint:

The official at Vicor further stated that Vicor was currently seeking a commodity jurisdiction from the U.S. Government to determine if the power converter should be considered as controlled for export ... (P14)

which means this kind of "Category XI" (P14) as long as fill out the form for application it will ^{be} granted to China. In the meantime, John Chu strongly refuse to buy any illegal product and tells Mr. Day "I don't want take the risk" (P15 Transcript). Also, John Chu tells Mr. Zhu

The risk is twenty-five (25) years in jail (P16)

It's not because I don't want to do it.

This is the rule of game. (P17)

That's nothing? (Laughing) Wife and kid, the whole family. (P17)

This conversation will prove we didn't conspire together at all. I refused to ~~do~~ export for them anyway.

The second part "from 12 - 25 sentences about how to export to China. Since John Chu suggested about "third country" which was rejected by Mr. Zhu and ^{Mr.} Wang refused to export to third country at the beginning of the conversation. But agent cut and paste to the second part of meeting. The point is the agent tried to manipulate the essential meaning of the first meeting and confuse (mislead) the judge and grand jury in his statement. What is more, in the rest of the report seems that Me and Mr. Zhu make decision as same as equal position. As a matter of fact John was hired and contracted by Mr. Zhu to be a sales person plus office duties including being his interpreter. Mr. Zhu has a registered company of California State name New Crystal USA, INC. So when I went to the first

meeting. It thought it was selling electronics, and it didn't know any of this product was illegal. In this type of situation is suitable the law of mens - rea "Not knowing" Didn't intent to commit a crime. After we carefully examined the conversation from the original transcribe that we found the document of ^{the} complaint and the investigation were the one trying to confuse the grand jury for the first meeting.

The main topic of the second meeting was John Zhu to check the power converter by himself with Mr. Wang. After it checked the power converter, it handed in the business card to request Mr. Wang shipping the product to LA. In the meeting, it told Mr. Wang that it don't agree with ^{Mr.} Zhu to ship the power converter by air that well against the law. Thus it started to show the agent a news paper clipping. He said that is the reason why we have to be careful. It became more alert and it told Mr. Wang in the beginning Mr. Zhu said we are not going to buy any sensitive product. ^{Mr.} Wang said "They are all controlled". (P. 41) After this it left and contact Mr. Zhu and told him it'm not going delivery for them. That is the reason why Mr. Zhu came for the third meeting.

Before the third meeting, Mr. Zhu told that he will wait for the market open and I started to feel comfortable come with him for the last meeting. However, according the complaint reports that Mr. Bai mentions three time not to talk about TWT in front of me to Mr Wang. On the way from the Airport to the hotel May 5, 04 early in the morning. Mr. Wang asks me to translate for him. "Can you get the permission from Mr. Zhu to talk about TWT front of you" I'm going to point out that is very ridiculous and evil way to try to bring me into this deal of TWT. This conversation was never shown in any documents.

In the same day of late afternoon the agent got the permission from Mr. Bai to mention TWT in front of me is shown on the document. The main point is the agent try to make me involve smoothly and make the story more reasonable. This was misconduct by the agent. At the end of meeting, Mr Wang pushed Mr. Zhu seven time to place the order of TWT and I told Mr Wang "I tell you tomorrow". (P57) Because I always do not agree to buy any illegal product.

After all, this is not a conspiracy case over the close look of three meetings

1. In the first meeting John refused to do any illegal activities
2. In the second meeting John refused to deliver this product
3. In the last meeting John didn't even know about the second deal.

In the beginning John thought he was working for a electronics company as a sales person.

According to the definition of *Mens rea*.

Latin. (lit. "guilty mind") The state of mind that makes the performance of a particular act a crime, or a crime of a particular degree; the element of fault that makes an otherwise innocent act or omission punishable. For example, a careful driver who hits a child who darts out from between parked cars may be guilty of no crime, whereas a driver who had time to avoid the child but carelessly failed to do so ~~may~~ be guilty of homicide.

(See also *Actus Reus*.)

John just like the first driver who darts and tries to stop and refuses to deliver and tell the agent this a crime. John again and again refuse to buy any illegal item.

On the other hand, lets focus on Entrapment. The mosts important thing is the agent tried to grab and seduce and suck John into this situation.

According to the defination of Entrapment:

The following are important consideration for the prosecution and the court when establishing whether the defendant had a predisposition to commit a crime.

- 1 The character or reputation of the defedant, including any prior criminal record.
- 2 whether the defendant initially made the suggestion of criminal activity.
- 3 wheter the defendant engaged in the criminal activity for profit
- 4 that the defendant did not evidence reluctance to commit the offense.
5. that the government did not offer any inducement or persuasion to the defendant to commit the crime.

The defendant may establish inducement by showing that on numerous occasions the Agent sought to have John engage in illegal activity, but John refused one or more of those attempts.

1. John has no record in his entire life.
2. John didn't even work for this company until 6 months after.
3. John didn't make any money off for this deal.
4. John was reluctant to commit any crime and refuse to deliver and don't agree to buy illegal items.
5. John was induced and trapped in the car from the Airport to the hotel for the deal of TWT.

Based on all this five regulations John was entrapped and the agent committed police misconduct into John.

The ifinal point it would like to indicate is about Delorian Case (1985). The defendant pay the money to buy the drugs, but John didn't ^{even} buy anything and John thought he was working at a wonderfull company. John has been in U.S twenty-two years, John is a good citizen, and paye his taxes every year. John has two children - they are 6 and 7 year old that need this financial help. John is good father and good worker, he never committe any crime in his life. John is artist, he has ability to take care his family. The entire role in this case of John has been distorted by the agent. Thus, John's case is similar to Delorian Case in the end. as Delorian said "That's not me at all".

Here is a video presentation of John Chu real life. Ladies and Gentlemen, I hope this statement and the video will help you to understand that I am innocent person. Thank you for your time.

JOHN CHU 5-25-05

Memos

1. Motion to Exclude any "Mention on TWT" Defendant didn't even know any knowledge of buying TWT

2. File a Motion of Entrapment with the government

Entrapment is a valid defense, to give notice to the government.

3. File a motion for government misconduct before trial or it will have no right to apply this issue.

4. Mens Rea Law.

5. John Chu reserve his right to take the Stand on his behalf.

6. Having a person from Vicor Company to come into court and testify that this product history.

7. Showing the ICE NEWS PAPER front of jury.

8. John Chu Art worker presentation DVD

JOHN IS GOOD CITIZEN, PAYS TAXES, NO REPORTS
JOHN WORK AS HOTEL MANAGER
JOHN FIRST TIME MEET ZHU, RENT OFFICE
JOHN SIGNS CONTRACT WITH ZHU

2003 2004
12 1 2 3 4 5

JOHN STATES ~~WAS~~ UNFAMILIAR BUSINESS... ARTIST (CMPLN 21)

THE FIRST BOSTON MEETING - ZHU REFUSE THE 1ST ORDER (NO SHOW)
THE FIRST ORDER IS OK TO SILE CHINA AS LONG AS APPEAL THE LICENSE

①

JOHN SERVED AS A CHINESE TRANSLATOR FOR ZHU (CMPLN 22)
SO, JOHN DID NOT SAY ANY THING WITH HIS OWN WORDS.
ANY THING ABOUT THIRD COUNTRY IS NOT ABOUT THE 1ST ORDER

3-25-05 1ST TIME DEAL THE SECOND ORDER TWT

JOHN STATES ZHU PUT HIM IN FRONT OF THIS (CMPLN 32)

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MEETING

JOHN SECOND BOSTON ~~TRIP~~ - JOHN REQUEST DELIVER, NO DELIVER FOR ZHU (CMP)
JOHN SHOWS NEWS NOT TO INVOLVE TRUBLE... SO, FEELING NOT SENSITIVE 40
FOR THE 1ST ORDER

JOHN SAYS THIRD COUNTRY IS TRYING TO PLEASE WANG AND TALK ABOUT
~~ZHU'S WORD~~ DID NOT DO
INDICTMENT DO NOT EVEN SHOW THE BUSINESS CARD
INVESTIGATION DO NOT SHOW THE WORD OF WANG REFUSE SHIPPING

③

MEETING

THE THIRD BOSTON ~~TRIP~~ ZHU + WANG DEAL THE SECOND ORDER WITHOUT TELL JOHN (NO SHOW)
JOHN MENTIONS ZHU BEING FARE RECORDED DURING IN THE MEETING (CMPLN 54)
JOHN + ZHU DID NOT BUY THE TICKET TO LEAVE US.

JOHN FIND NEW JOB

THE REASON TO ARREST JOHN + ZHU TO LEAVE US

INDICTMENT TO CHARGE JOHN ONE COUNT THE TWT ORDER